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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,863	10/16/2003	Michael V. Chobotov	021630-000522US	7447
60117	7590	08/24/2007	EXAMINER	
RATNER PRESTIA			SWEET, THOMAS	
P.O. BOX 980			ART UNIT	
VALLEY FORGE, PA 19482			PAPER NUMBER	
			3738	
			MAIL DATE	
			DELIVERY MODE	
			08/24/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/686863

8/16/03

Michael V. Chokotov

BSI-53845

EXAMINER

Thomas Sweet

ART UNIT

PAPER

3738

20070821

DATE MAILED:

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Commissioner for Patents

The reply filed on 07/05/2007 is not fully responsive to the prior Office Action because: Applicant did not identify the specific claims of those applications and/or patents which may present double patenting issues with the instant application claims and the example double patenting rejections were not addressed.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

MPEP 704.11 states "[T]he terms 'factual' and 'facts' are included in 37 CFR § 1.105 to make it clear that it is facts and factual information, that are known to applicant, or readily obtained after reasonable inquiry by applicant, that are sought, and that requirements under 37 CFR § 1.105 are not requesting opinions that may be held or would be required to be formulated by applicant." This section further states "[T]he purpose of 37 CFR § 1.105 is to improve patent quality, and render better decisions, and not to put applicants in jeopardy of meeting their duties of candor and good faith in their replies to a requirement for information."

Ultimately, the purpose in requiring applicants to identify claims in the identified and yet to be identified related applications and patents is to improve the quality of examination by the examiner with respect to statutory and obviousness-type double patenting particularly in view of the significant number of applications and patents involved. In view thereof, the examiner's requirement is not seen as unreasonable and is seen as within the scope of 37 CFR § 1.105.